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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,168	11/05/1999	SANJAY P. MURALIDHAR	1899-001	4848
9629	7590	10/19/2005		
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,168

Applicant(s)

MURALIDHAR, SANJAY P.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25 and 39-66 is/are pending in the application.
- 4a) Of the above claim(s) 25, 39-62 and 66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Restriction Requirement

Applicant's election with traverse of Invention I (claims 25, 39-42, and 63-65) in the reply filed on 9/7/2005 is acknowledged. The traversal is on the ground(s) that a "direct data communication link" is a computer network. This is not found persuasive because a CD-ROM could provide the data stored in the computer of claims 25 and 63 which would not require a computer network as claimed in claims 43 and 66.

The requirement is still deemed proper and is therefore made FINAL.

Election of Specie Requirement

Applicant's election with traverse of Specie II (claims 63-65) in the reply filed on 9/7/2005 is acknowledged. The traversal is on the ground(s) that there may not be a patentable difference between the species. However, the applicant has not **clearly** admitted on the record or provided/identified evidence that this is the case (as required by the Specie requirement mailed 8/16/2005, page 3, last paragraph). Therefore, the argument is not found persuasive.

The requirement is still deemed proper and is therefore made FINAL.

Withdrawn Claims

Claims 25 and 39-62 are withdrawn from consideration as being drawn to a non-elected invention and specie.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 63-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Cincotta '782.

Cincotta disclose the limitations of the claims including: A computer based method for marketing attendance right options, the method comprising the steps of: storing, in a computer, information relating to one or more attendance right options for attending a specified event (College/University, see for example page 3; or vacation/travel, see paragraph 0073), wherein said attendance right option comprises a binding agreement between a ticket seller (Adminstrating Company, paragraph 0025) and a holder of said option (participant), and wherein said option entitles said holder to purchase a right to attend said specified event under defined terms (see terms specified for example in paragraph 0029), and said right is contingent on occurrence of a threshold event (the choosing of an institution by the Participant at the time the option is exercised; See paragraph 0029) that precedes said specified event; linking the computer to at least one user terminal through a data communication link (See for example paragraph 0022); and displaying, at the at least one user terminal, information

Art Unit: 3627

concerning at least one of said one or more attendance right options (See pages 2-3), along with pricing information (See for example paragraph 0027) for purchase of said attendance right option, creating a computer based exchange with a plurality of participants, the exchange operable to trade said at least one of said one or more attendance right options based on price terms set between two (buyer and seller) or more of said participants in the exchange, wherein vesting of said option occurs upon occurrence of said threshold event (the choosing of an institution by the Participant at the time the option is exercised), and wherein said option is freely transferable between participants (See for example paragraph 0072), wherein said right to attend corresponds to a ticket (a ticket into the chosen University/College).

Response to Arguments

Applicant's arguments with respect to claims 63-65 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

Application/Control Number: 09/435,168

Page 5

Art Unit: 3627

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender
Primary Patent Examiner, A.U. 3627
October 17, 2005

 10/17/05
F. RYAN ZEENDER
PRIMARY EXAMINER